

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4943 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
2. To be referred to the Reporter or not? : YES
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

PUNAMCHANDRA KARSANDAS LEUVA

Versus

SUPRITENDING ENGINEER

Appearance:

MR JV MEHTA for Petitioner - Absent
M/S PATEL ADVOCATES for Respondent No. 1
MR. V.M. PANCHOLI, AGP for Respondent No. 2

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 02/11/1999

ORAL JUDGEMENT

The grievance of the petitioner is that he is not being appointed as temporary clerk while others are being appointed. This grievance was voiced on 21st Sept. 1985 when this petition was filed. After giving previous history, the averments which were in proximity of the date of filing of the petition were that it had come to the knowledge of the petitioner that the respondent No.1 Superintending Engineer was going to give posting as a temporary clerk to some of the workcharge clerks and was likely to appoint other persons who were junior to the petitioner as per the seniority list dated 31st March, 1987. The petitioner was working as a workcharge clerk since 4.10.1985, as stated in para 9 of the petition. It is reiterated in paragraph 9 of the petition that it had come to the knowledge of the petitioner that the respondent was going to violate the Rules. Again in paragraph 11, it is reiterated that recently it had come to the knowledge of the petitioner that his name is not going to be included in the appointment of temporary clerks and therefore, this petition was being filed.

It is clear from the nature of averments made in the petition that the petition is vague and does not give any particulars as to why the petitioner felt that he would not be appointed or that the appointments of temporary clerks would be made contrary to the Rules. The ad-interim relief was modified as far back as on 19.11.1988 to the effect that appointment of any person other than the petitioner as temporary clerk would be subject to the result of the petition. Thereafter, the petitioner has not placed on record any further development, though 12 years have elapsed since the filing of the petition. Thus, the basis of the petition which was the conjectures and surmises of the petitioner, has not improved. There is no reason to assume that appointments to the post of temporary clerks would not be made in accordance with law. The nature of averments made in the petition warrant no direction on the respondents in the matter. The petition is therefore, rejected. Rule is discharged with no order as to costs. Interim relief stands vacated.

*/Mohandas